HC-KAR

NC: 2026:KHC:17129-DB
WP No. 24724 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 24724 OF 2025 (GM-MM-S)

BETWEEN:

1. MALLIKARJUNA RAO
   S/O NARASAIAH
   AGED ABOUT 54 YEARS
   WORKING AS MANAGER
   BALAJI STONE CRUSHER
   KOMMANAHALLI, MALUR TALUK
   KOLAR DISTRICT - 563 130

...PETITIONER

(BY MS. ANANYA MANJUNATH, ADVOCATE FOR
SRI AVINASH GOWDA G S., ADVOCATE)

Digitally signed by K P SWETHA
Location: High Court of Karnataka

AND:

1. STATE OF KARNATAKA
   REP. BY DEPUTY DIRECTOR
   DEPT OF MINES AND GEOLOGY
   VIDHANA SOUDHA
   BENGALURU - 560 001

2. DEPUTY COMMISSIONER
CHAIRMAN DISTRICT TASK FORCE
AUTHORITY FOR REGULATION AND
LICENSING OF CRUSHER UNITS
KOLAR - 563 101

3. SENIOR GEOLOGIST
MINERAL GEOLOGIST
DEPT OF MINES AND GEOLOGY
KOLAR - 563 101

…RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS TO THE RESPONDENTS TO CONSIDER THE REPRESENTATION/NOTICE ISSUED BY THE PETITIONER SEEKING CONSIDERATION OF HIS APPLICATION FOR ISSUANCE OF GRANT NOTIFICATION AND LEASE DEED FOR EXTRACTION OF ORDINARY BUILDING STONE AS PER REPRESENTATION/NOTICE DATED 06/03/2025 AND PRODUCED AS ANNEXURE-A & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. Issue notice.

2. The learned Additional Government Advocate accepts notice on behalf of the respondents.

3. The petitioner has filed the present petition, *inter alia*, praying as follows:

> "Issue a writ in the nature of mandamus to the respondents to consider the representation/notice issued by the petitioner seeking consideration of his application for issuance of grant notification and lease deed for extraction of ordinary building stone as per representation/notice dated 06.03.2025 and produced as Annexure-A."

4. The petitioner states that he had made a representation/notice dated 06.03.2025 seeking the grant of a quarry lease over an area of 4 acres, falling in Sy.No.66 of Kanagala Village, Malur Taluk, Kolar District, for the extraction of ordinary building stone. The petitioner had made an application dated 07.03.2011 seeking the grant of a quarry lease over the said area. He states that a joint inspection was conducted by the

officials of the Revenue Department and the Department of Mines and Geology on 09.09.2011, and the joint inspection report was submitted. Thereafter, the Forest Department also considered the petitioner's application and issued a No Objection Certificate on 04.01.2012.

5. Notwithstanding the same, the petitioner's application for a quarry lease was not processed. In the given circumstances, the petitioner filed the writ petitions, W.P.Nos. 29406-29409/2015. The said petitions were disposed of by an order dated 25.08.2015, whereby this Court directed respondent No. 3 [**Senior Geologist**] to consider the application of the petitioner, within a period of two months.

6. Following the said decision, the petitioner made a representation dated 05.09.2015 requesting the Senior Geologist to consider his application. The Senior Geologist rejected the said representation by an endorsement dated 22.09.2015, *inter alia,* on the ground that the leases were to be granted by auction.

7. Aggrieved by the same, the petitioner filed writ petitions, W.P.Nos.45472-45475/2015, which were disposed of on 05.11.2015. This Court directed the Deputy Commissioner and

Chairman, District Task Force, Authority for Regulation and Licensing of Crusher Units, to consider and dispose of the petitioner's application for the grant of a quarry lease within a month. The Court observed that mere pendency of the proposal for amendment of the Karnataka Minor Minerals Concession Rules, 1994, cannot be a ground to reject or defer the applications of the writ petitioners. The petitioner averred that no further steps were taken.

8. Concededly, the petitioner also did not take any steps to pursue his application. The petitioner stated that he had not done so, since a criminal case (Special Case (Sand) No.80/2020), had been lodged against him. He was acquitted in the said case by an order dated 21.10.2022; thereafter, he took steps to pursue his application.

9. The petitioner issued a legal notice dated 06.03.2025, calling upon the Deputy Director of Mines and Geology, Kolar District, to comply with the petitioner's request and permit quarry operations within the limits of Malur taluk.

10. The Additional Government Advocate submits that the request made in the said notice cannot be considered a request, as it is couched as a legal notice.

11. The learned counsel appearing for the petitioner requests that the said communication may not be considered as a legal notice but merely as a representation of the petitioner.

12. In view of the above, we consider it apposite to direct the respondents to consider the petitioner's representation as expeditiously as possible and communicate their decision to the petitioner. We, however, clarify that we have not expressed any opinion on the merits of the case or the legal frame work within which, the same is required to be considered. We have also not expressed any opinion as to the maintainability of the said request.

13. The petition is disposed of in the aforesaid terms.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

KPS, List No.: 2 Sl No.: 7